

Message Text

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PAGE 01 STATE 080609
ORIGIN OES-03

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FM SECSTATE WASHDC

TO AMEMBASSY BRAZZAVILLE

UNCLAS STATE 080609

E.O. 11652: N/A

TAGS: EFIS, CF

SUBJECT: IMPORTATION OF YELLOWFIN TUNA

REF: (A) BRAZZAVILLE 0242, (B) STATE 49988 OF 3/77

1. AS REQUESTED REFTEL A, REFTEL (B) IS REPEATED FOR
EMBASSY BRAZZAVILLE.

"FOLLOWING IS A REPEAT QUOTE STATE 049988, R071938Z MAR 77
SENT TO OTTAWA, MEXICO, SAN JOSE, QUATEMALA, MANAGUA, SAN
SALVADOR, TEGUCIGALPA, PANAMA, BOGOTA, QUITO, LIMA, SANTIA-
GO, TOKYO, PARIS, MADRID, PORT OF SPAIN, CURACAO, LISBON,
KUALA LUMPUR, SINGAPORE, JAKARTA, MANILA, SEOUL, TAIPEI,
CANBERRA, PORT MORESBY, WELLINGTON, FREETOWN, ABIDJAN, ACCRA,
NAIROBI, DAKAR, NOUAKCHOTT, TANANARIVE, PRETORIA, BUENOS
AIRES, REYKJAVIK, STOCKHOLM, OSLO, COPENHAGEN, LONDON,
WARSAW, MOSCOW, SOFIA, BUCHAREST, CARACAS, ROME, BERLIN,
BONN, E.O., TAGS: EFIS, PROR, SUBJECT: IMPORTATION OF TUNA,
1. PROBLEM OF ACCIDENTALLY KILLING PORPOISE WHILE PURSE-
SEINING FOR TUNA IS EXPLAINED IN REFTEL (A) WHICH ALSO SUM-
MARIZES HISTORY OF U.S. REGULATION. AS NOTED IN REFTEL (A)
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PAGE 02 STATE 080609

AND DETAILED IN REFTEL (B) SIGNIFICANT CHANGES IN REGULA-
TIONS GOVERNING IMPORTATION OF TUNA HAVE BEEN CONTEMPLATED.
2. FINAL REGULATIONS REGARDING THE TAKE OF MARINE MAMMALS

INCIDENTAL TO COMMERCIAL FISHING OPERATIONS HAVE BEEN PRO-
Mulgated by DEPT. OF COMMERCE AND ARE BEING POUCED TO ALL
POSTS. THESE INCLUDE REGULATIONS GOVERNING THE IMPORTA-

TION OF CERTAIN FISH. REGULATIONS INVOLVING HALIBUT, SALMON, AND CANNED SARDINES/SPILCHARDS ARE UNCHANGED. THOSE INVOLVING YELLOWFIN TUNA, HOWEVER, HAVE CHANGED SIGNIFICANTLY AND WILL MAKE IT VERY DIFFICULT, AT LEAST FOR THOSE COUNTRIES FISHING IN EASTERN PACIFIC OCEAN, TO IMPORT YELLOWFIN TUNA INTO THE UNITED STATES. IMPORTATION REQUIREMENTS WILL BECOME EFFECTIVE JUNE 1. 3. UNDER NEW REGULATIONS U.S. TUNA FISHERMEN WILL BE OPERATING UNDER RATHER SEVERE RESTRICTIONS WITH RESPECT TO TOTAL NUMBERS AND SPECIES OF PORPOISE ALLOWED TO BE KILLED DURING FISHING OPERATIONS. POSTS SHOULD MAKE SURE HOST GOVERNMENTS ARE AWARE OF REQUIREMENTS PERTAINING TO U.S. FISHERMEN, DETAILED IN SECTION (D)(2) OF REGULATIONS, SINCE SIMILAR PRACTICES MUST BE EMPLOYED BY THEIR FISHERMEN IN ORDER FOR YELLOWFIN TUNA IMPORTS INTO U.S. TO TAKE PLACE. FOLLOWING ARE MOST PERTINENT PROVISIONS OF IMPORT REGULATIONS:

4. ALL YELLOWFIN TUNA IMPORTED INTO THE U.S. AFTER MAY 30, 1977, MUST BE ACCOMPANIED BY A CERTIFICATE TO INCLUDE THE FOLLOWING INFORMATION:

(A) COUNTRY OF ORIGIN OF THE FISHING VESSEL(S) INVOLVED; (B) EXPORTER (NAME AND ADDRESS); (C) CONSIGNEE (NAME AND ADDRESS); (D) IDENTITY AND QUANTITY OF THE YELLOWFIN TUNA TO BE IMPORTED, LISTED BY U.S. TARIFF SCHEDULE NUMBERED; (E) NAME OF VESSEL (S) WHICH CAUGHT THE YELLOWFIN TUNA; (F) FISHING METHOD USED (I.E., PURSE SEINE, LONGLINE, POLE AND LINE, ETC.); (G) OTHER UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 080609

DOCUMENTATION AS MAY BE REQUIRED BY THE DIRECTOR, SUBSEQUENT TO GRANTING A FINDING IN SECTION (E)(5); (H) MUST BE SIGNED BY EITHER A RESPONSIBLE GOVERNMENT OFFICIAL OF THE COUNTRY WHOSE FLAG VESSEL CAUGHT THE FISH OR THE VESSEL MASTER. AS WELL AS BY THE EXPORTER, UNDER A SPECIFIED DECLARATION.

THESE DOCUMENTATION REQUIREMENTS WILL BE ENFORCED FOR ALL SHIPMENTS OF YELLOWFIN TUNA, INCLUDING SHIPMENTS FROM COUNTRIES WHOSE VESSELS DO NOT USE FISHING METHODS WHICH INJURE PORPOISES.

5. FOR COUNTRIES WITH VESSELS OPERATING IN THE YELLOWFIN TUNA PURSE SEINE FISHERY IN THE EASTERN TROPICAL PACIFIC OCEAN, TUNA MAY NOT BE IMPORTED INTO THE U.S. UNLESS COMMERCE DEPT. MAKES FINDING TO THE CONTRARY.

COUNTRIES WITH VESSELS WHICH PARTICIPATE IN THIS FISHERY ARE GREAT BRITAIN (BERMUDA), CANADA, COSTA RICA,

ECUADOR, FRANCE, JAPAN, MEXICO, NETHERLANDS (NETHERLANDS ANTILLES), NICARAGUA, PANAMA, PERU, SENEGAL, SPAIN, AND VENEZUELA.

IN ORDER TO OBTAIN A FINDING FROM COMMERCE DEPT. THE FOLLOWING INFORMATION MUST BE SUBMITTED TO THE DIRECTOR, NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE, WASHINGTON, D. C. 20235:

(A) A STATEMENT OF THE QUANTITY AND TYPE (IDENTIFIED BY (BEGIN UNDERSCORE) TARIFF SCHEDULE (END UNDERSCORE) NUMBERS LISTED IN PARAGRAPH (E)(2)(11) OF THIS SECTION) OF FISH OR FISH PRODUCTS EXPECTED TO BE IMPORTED INTO THE U.S. IN THE CALENDAR YEAR 1977;

(B) A DETAILED DESCRIPTION OF THE FISHING TECHNOLOGY AND UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 080609

PROCEDURES UTILIZED IN TUNA PURSE SEINE FISHING TO PROTECT MARINE MAMMALS SO THAT A DETERMINATION OF CONFORMANCE WITH 216.24 (D)(2) OF THESE REGULATIONS CAN BE MADE, OR THE EFFECTIVENESS OF ANY OTHER EQUIVALENT TECHNOLOGY OR PROCEDURES BE ASSESSED;

(C) A STATEMENT OF THE NUMBER OF MARINE MAMMALS KILLED OR SERIOUSLY INJURED (BY SPECIES) INCIDENTAL TO THE YELLOWFIN TUNA PURSE SEINE OPERATIONS ON PORPOISE FOR THE PREVIOUS YEAR, AND THE MANNER IN WHICH THE INFORMATION WAS OBTAINED (LOGBOOKS, OBSERVERS, INTERVIEWS, OR OTHER PROCEDURES);

(D) A STATEMENT OF THE NUMBER OF MARINE MAMMALS WHICH WILL BE ALLOWED TO BE KILLED OR SERIOUSLY INJURED INCIDENTAL TO YELLOWFIN TUNA PURSE SEINE OPERATIONS IN 1977 AND THE IMPACT OF SUCH MORTALITY OR SERIOUS INJURY ON THE EXISTING POPULATIONS OF MARINE MAMMALS BY SPECIES;

(E) A STATEMENT OF THE PROCEDURES TO BE REQUIRED, INCLUDING QUOTAS AND OTHER CONTROLS, WHICH WILL MEET THE U.S. REQUIREMENTS TO LIMIT THE LEVEL OF MORTALITY, AND PROCEDURES FOR PROHIBITING SETS ON MARINE MAMMALS AFTER THE LEVEL OF MORTALITY ALLOWED IS REACHED;

(F) COPIES OF LAWS AND REGULATIONS WHICH PROTECT AND CONSERVE MARINE MAMMALS INVOLVED IN FISHING OPERATIONS; AND

(G) A LIST OF VESSELS WHICH MAY BE INVOLVED IN THE TAKING OF MARINE MAMMALS INCIDENTAL TO YELLOWFIN TUNA PURSE SEINING, AND A LIST OF UNITED STATES CITIZENS WORKING ON THESE VESSELS. SHOULD A FINDING BE MADE, THE DIRECTOR IN-UNCLASSIFIED

UNCLASSIFIED

PAGE 05 STATE 080609

TENDS TO REQUIRE A PERIODIC UPDATE OF THE ABOVE LIST OF U.S. CITIZENS AS A CONDITION OF THE FINDING. THE DIRECTOR MAY REQUIRE VERIFICATION OF STATEMENTS MADE IN CONNECTION WITH REQUESTS TO ALLOW IMPORTATIONS. THE DIRECTOR WILL RECONSIDER A FINDING UPON A REQUEST FROM AND THE SUBMISSION OF ADDITIONAL INFORMATION FROM THE COUNTRY OF ORIGIN.

6. ACTION REQUESTED: APPROPRIATE HOST GOVERNMENT OFFICIAL SHOULD BE MADE AWARE ASAP OF NEW IMPORT REQUIREMENTS, TO BE EFFECTIVE JUNE 1. POSTS IN THESE COUNTRIES LISTED PARAGRAPH 5 ABOVE MAY WISH TO MAKE APPROACHES RIGHT AWAY WITHOUT WAITING FOR COPIES OF FINAL REGS TO ARRIVE. THESE POSTS ALSO SHOULD BE PREPARED TO WORK WITH HOST GOVERNMENTS TO SEE IF REQUIREMENTS CAN BE MET. DEPT. SUGGESTS THAT FOREIGN OFFICES BE NOTIFIED OF THIS SITUATION EVEN IF OTHER AGENCIES WHICH MAY BE MORE APPROPRIATE ACTION AGENCIES ARE ALSO BEING INFORMED. VANCE UNQUOTE COOPER

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